

**UNITED STATES OF AMERICA  
MERIT SYSTEMS PROTECTION BOARD**

SPECIAL COUNSEL,	)	
	)	
Petitioner,	)	DOCKET NUMBER:
	)	
v.	)	
	)	DATE: November 6, 2024
NEERA TANDEN,	)	
	)	
Respondent.	)	
	)	

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**COMPLAINT FOR DISCIPLINARY ACTION**

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Petitioner U.S. Office of Special Counsel (OSC) brings this Complaint for disciplinary action for violating the Hatch Act, 5 U.S.C. §§ 7321-7326, against Respondent Neera Tanden pursuant to 5 U.S.C. §§ 1212(a)(5), 1215(a)(1), 1216(a)(1), 1216(c), and 7323(a)(2), and 5 C.F.R. §§ 734.102(a) and 734.303. The Merit Systems Protection Board (Board) has authority to adjudicate this action pursuant to 5 U.S.C. §§ 1204(a)(1), 1215(a)(1), 1216(c), and 7326.

The Hatch Act governs the political activity of federal civilian executive branch employees. *See generally* 5 U.S.C. §§ 7321-7326. Certain senior White House employees, including Tanden, are exempt from some of the Hatch Act’s prohibitions pursuant to 5 U.S.C. § 7324(b). However, all employees—including senior White House employees—are at all times prohibited from soliciting political contributions to political parties or candidates for partisan political office. Specifically, 5 U.S.C. § 7323(a)(2) and 5 C.F.R. § 734.303 prohibit a federal

employee from knowingly soliciting, accepting, or receiving a political contribution from any person.<sup>1</sup> A “political contribution” includes “any gift, subscription, loan, advance, or deposit of money or anything of value, made for any political purpose.”<sup>2</sup> A “political purpose” includes “promoting or opposing a political party[ or] candidate for partisan political office.”<sup>3</sup> A “partisan political office” is one for which “any candidate is nominated or elected as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected.”<sup>4</sup> This Complaint relates to Tanden knowingly soliciting political contributions in violation of the Hatch Act. Tanden made unlawful solicitations *after* being notified by OSC that some of her earlier solicitation posts were in violation of the law.

## **I. STATEMENT OF SUPPORTING FACTS**

### **A. Tanden’s Federal Employment History**

1. At all times relevant to this Complaint, Tanden has been the White House Domestic Policy Advisor and an Assistant to the President employed in the Executive Office of the President.

2. In that role, and at all times relevant to this Complaint, Tanden has been a federal employee covered by the Hatch Act.

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<sup>1</sup> There is a limited exception allowing certain federal employees to solicit contributions from members of federal labor organizations to those organizations’ multicandidate political committees, but that exception is not relevant here. See 5 U.S.C. § 7323(a)(2)(A)-(C).

<sup>2</sup> 5 U.S.C. § 7322(3)(A).

<sup>3</sup> 5 C.F.R. § 734.101.

<sup>4</sup> 5 U.S.C. § 7322(2).

## **B. Tanden Solicited Political Contributions on the Social Media Website X**

3. Tanden operates and maintains the account “@neeratanden” on the social media platform X, formerly known as Twitter.

4. As of the date of this Complaint, and at all times relevant to this Complaint, Tanden’s @neeratanden account has had at least 350,000 followers.

5. Tanden used her @neeratanden account to knowingly solicit political contributions to candidates for partisan political office. Representative examples of Tanden’s solicitations include the following:

- a. On or about July 28, 2024, Tanden reposted a post from Presidential candidate Kamala Harris’s X account. That post read, in relevant part, “We have work to do, and an election to win. With just 100 days to go, join us in the fight now . . . Donate: [kamalaharris.link/100daysdonate](https://kamalaharris.link/100daysdonate) . . .” The post included a link to a website at which users could donate to Harris’s campaign. *See Exhibit 1.*
- b. On or about August 3, 2024, Tanden reposted a post from a senior Harris campaign official that read, in relevant part, “It’s great so many people want to help @KamalaHarris become our next President. First, make sure you’ve contributed what you can.” *See Exhibit 2.*
- c. On or about August 28, 2024, Tanden reposted a post that read, in relevant part, “the absolute best thing you can do to prevent a MAGA sweep is to contribute to the campaigns of frontline House candidates. These four are a good place to start.” The post included the names of four candidates for the U.S. House of Representatives. *See Exhibit 3.*

- d. On or about September 5, 2024, Tanden reposted a post from Senate candidate Bob Casey's X account that included a video of actor Michael Keaton asking viewers to "spare \$5, \$10, \$20" for Casey's campaign. See Exhibit 4.
- e. On or about September 17, 2024, Tanden reposted a post from Senate candidate Lucas Kunce's X account that described how much was being spent against him and included the text, "Help me fight back [lucaskunce.com/chip-in](https://lucaskunce.com/chip-in)." The post included a link to a website at which users could donate to Kunce's campaign. See Exhibit 5.
- f. On or about September 18, 2024, Tanden reposted a post from House candidate Rebecca Cooke's X account that read, in relevant part, "If you're with me, share this, chip in, and let's flip Wisconsin's 3rd blue." The post included a link to a website at which users could donate to Cooke's campaign. See Exhibit 6.
- g. On or about September 22, 2024, Tanden authored a post that read, "This is a real race folks. Just so you know." Tanden included in her post a post from House candidate Will Rollins that read, in relevant part, "Can you chip in \$5, \$35, or even \$100 to my campaign today?" The Rollins post that Tanden included also featured a video of Rollins asking viewers to "chip in . . . whatever you can" to support Rollins's campaign. See Exhibit 7.

6. Each of the candidates named or referred to in paragraphs 5(a) through 5(g) was the Democratic Party's nominee for the office that candidate sought. Accordingly, each candidate named or referred to in paragraphs 5(a) through 5(g) was a candidate for a partisan political office as defined in the Hatch Act.

**C. Tanden Continued to Solicit Political Contributions After Being Notified that the Hatch Act Prohibited Such Solicitations**

7. On August 29, 2024, the U.S. Office of Special Counsel (OSC) became aware of Tanden’s August 28 post soliciting political contributions to four candidates for the U.S. House of Representatives. On August 30, OSC attorneys spoke with an attorney in the White House Counsel’s Office (WHCO) and conveyed that Tanden’s post was in violation of the law. The WHCO attorney said that he would notify Tanden of the violation.

8. On or before September 3, 2024, Tanden removed the August 28 post from her X account.

9. Less than one week after being notified that her August 28 post violated the Hatch Act prohibition against soliciting political contributions, Tanden made the September 5 post soliciting political contributions described in paragraph 5(d).

10. Each of Tanden’s three subsequent posts, described in paragraphs 5(e) through 5(g), was also made after Tanden was notified that making such posts violated the Hatch Act prohibition against soliciting political contributions.

**II. CHARGE: VIOLATION OF 5 U.S.C. § 7323(A)(2) AND 5 C.F.R. § 734.303 – KNOWINGLY SOLICITING, ACCEPTING, OR RECEIVING A POLITICAL CONTRIBUTION**

11. Paragraphs one through 10 are hereby incorporated by reference.

12. Tanden knowingly solicited political contributions by posting or reposting requests for financial contributions to the campaigns of candidates for partisan political office, as described in paragraphs 5(a) through 5(g).

13. A financial contribution to the campaign of a candidate for partisan political office is a political contribution as defined in 5 U.S.C. § 7322(3)(A) because it is a “deposit of money, or anything of value” made for the purpose of promoting that campaign.

THEREFORE, Tanden knowingly solicited political contributions in violation of 5 U.S.C. § 7323(a)(2) and 5 C.F.R. § 734.303.

**WHEREFORE**, Tanden violated 5 U.S.C. § 7323(a)(2) and 5 C.F.R. § 734.303 by knowingly soliciting, accepting, or receiving political contributions. OSC requests that the Board find that Tanden violated the Hatch Act and impose an appropriate penalty pursuant to 5 U.S.C. § 7326.

Respectfully submitted,

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[EXHIBITS OMITTED]